

## REMARKS

Favorable reconsideration and withdrawal of the objections and rejection set forth in the above-mentioned Official Action in view of the foregoing amendments and the following remarks are respectfully requested.

### Title

The title has been objected to as not being descriptive. In response, a new title, which is more clearly indicative of the claimed invention, is presented herein for the Examiner's consideration and approval.

### Specification

The specification has been amended to place it in better form. It is respectfully submitted that no new matter has been added.

### Claims Status

Claims 1 through 11 remain pending in the application. Claims 1, 2, 4 through 6, 9, and 11 have been amended to even more succinctly define the invention and/or to improve their form. It is respectfully submitted that no new matter has been added. Claims 1, 5, and 9 are the only independent claims pending in the application.

### Allowable Subject Matter

It is acknowledged with appreciation that Claims 5 through 11 are allowed.

Also, it is acknowledged with appreciation that Claims 2 through 4 are merely objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims. The claims remain in their dependent form, inasmuch as it is believed that Claims 1 from which they depend will be found to be allowable.

### Art Rejection

Claim 1 is rejected under 35 U.S.C. § 102(b) as being anticipated by Japanese Patent Document No. 10-489698 ('698 Sugimoto, et al.).

The rationale underlying the rejection is succinctly set forth in the Official Action.

### Response to Rejection

The rejection is respectfully traversed.

Amended Claim 1 calls for an image forming apparatus that includes charging means for charging an image bearing member; exposure means for exposing the image bearing member, which has been charged to form an electrostatic latent image; developing means for developing the electrostatic latent image with developer; transferring means, to which a transferring bias under constant voltage control is applied, for transferring a developer image on the image bearing member onto an other member; test pattern forming means for forming a test pattern for image control on the image bearing member by supplying developer by the developing means on an area of the image bearing member in which charging by the charging means is effected and exposure by the exposure means is not effected; test pattern detection means for detecting the test pattern that has been transferred to the other member by the transferring means; control means for setting a value of the transferring bias upon transferring of the test pattern onto the other member in accordance with a surface potential of the image bearing member upon formation of the test pattern.

In the image forming apparatus according to Claim 1, a test pattern is formed on an area of an image bearing member, which is charged by the charging means, and which is not exposed by the exposure means.

Initially, it is noted that U.S. Patent No. 5,926,669 ('669 Sugimoto, et al.) has been identified in a computer database as being in the family of '968 Sugimoto, et al. (An Information Disclosure Statement is being filed concurrently herewith citing '669 Sugimoto, et al.) The following comments in discussing the rejection will be made hereinbelow with reference to '669 Sugimoto, et al. It is believed that the comments apply with equal force to '669 Sugimoto, et al.

'669 Sugimoto, et al. discloses an electrophotographic image forming apparatus including a pattern forming unit 52. At a time when pattern forming unit functions, a main control section 41 operates a charger 9, developing units 12, and further operates the laser scanner 10. '669 Sugimoto, et al. states "[t]hereby, the pattern forming unit 52 forms the toner image of the test pattern on the circumferential surface of the photosensitive drum." See column 10, lines 33 through 56.

'669 Sugimoto, et al. discloses that the laser scanner 10 is employed as an exposing unit. See column 8, lines 51 and 52. As understood, '669 Sugimoto, et al. (and Sugimoto, et al.) the test pattern is formed by an operation of the laser scanner 10, i.e., an exposure means. Accordingly, the area on which a test pattern is formed is an area, which is charged and exposed.

'669 Sugimoto, et al. (and '968 Sugimoto, et al.) is not understood to disclose or suggest that an area of the photoreceptor on which a test pattern is to be formed is an area, which is not exposed by the exposure means as recited in Claim 1.

In rejecting Claim 1, the Examiner asserts that '968 Sugimoto, et al. discloses an apparatus, which forms a test pattern on an area of an image bearing member in which

charging by a charging means is effected and exposure by an exposure means is not effected.

It is respectfully submitted that the Examiner misconstrues '968 Sugimoto, et al.

If the Examiner chooses to maintain the rejection, she is kindly requested to ratify which portion of '968 Sugimoto, et al. (or in the alternative which portion '669 Sugimoto, et al.) supports her position.

Accordingly, Claim 1 is not anticipated by '968 Sugimoto, et al., and the rejection should be withdrawn.

#### Rejected Dependent Claims

Claims 2 through 4 depend directly from Claim 1 and are allowable by virtue of their dependency and in their own right for further defining Applicants' invention.

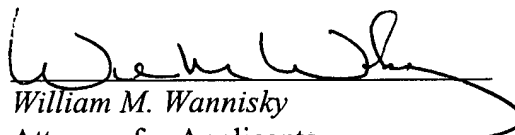
Individual consideration of these dependent claims is respectfully requested.

#### Closing Comments

It is respectfully submitted that the claims on file are allowable over the art of record and that the application is in condition for allowance. Favorable reconsideration, withdrawal of the rejection, and early passage to issue of the present application are earnestly solicited.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our New York office at the address shown below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'William M. Wannisky', with a long horizontal flourish extending to the right.

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